

# INTERSTATE COMMISSION FOR JUVENILES

## West Region Meeting Minutes



January 19, 2021  
3:00 p.m. ET  
Via WebEx

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### **Voting Members in Attendance:**

1. Michael Farmer (CA), West Region Representative
2. Shannon Dilley (AK), Commissioner
3. Howard Wykes (AZ), Designee
4. Summer Foxworth (CO), Commissioner
5. Kristin Davidson (HI), Commissioner
6. Anne Connor (ID), Designee
7. Cathy Gordon (MT), Commissioner
8. David Laity (NV), Commissioner
9. Dale Dodd (NM), Commissioner
10. Nina Belli (OR), Designee
11. Raymundo Gallardo (UT), Designee
12. Jedd Pelander (WA), Commissioner
13. Maureen Clifton (WY), Commissioner

### **Voting Members not in Attendance:**

1. Jeff Hood (AZ), Commissioner
2. Neira Siaperas (UT), Commissioner

### **Compact Staff in Attendance:**

1. Ellen Hackenmueller (AK)
2. Shirleen Cadiz (HI)
3. Gladys Olivares (NV)
4. Kelsey Hewitt (OR)

### **Guests in Attendance:**

None

### **National Office Staff in Attendance:**

1. MaryLee Underwood, Executive Director
2. Emma Goode, Logistics and Administrative Specialist
3. Amanee Cabbagestalk, Training and Administrative Specialist

### **Call to Order**

Representative Farmer called the meeting to order at 3:00 p.m. ET.

### **Roll Call**

Director Underwood called the roll and quorum was established.

### **Agenda**

**A. Connor (ID) made a motion to approve the agenda as presented. C. Gordon (MT) seconded. The motion carried.**

## Minutes

**M. Clifton (WY) made a motion to approve the November 18, 2020 meeting minutes as presented. S. Foxworth (CO) seconded. The motion carried.**

## Discussion

## Rule Proposals

### **Rule 4-104(4) and Mandatory Acceptance When Juvenile Has Passed the Age of Majority**

- Representative Farmer indicated the region previously discussed whether mandatory acceptance requirements outlined in Rule 4-104 apply when a juvenile has passed the age of majority, and tabled the issue. He opened discussion to draft a proposed amendment to. He noted the topic has been discussed in various committee meetings over the last couple years. Also, a legal memorandum was drafted in response to a request from a state involving a JSO who had passed the age of majority, and was seeking transfer of supervision to the state in which she planned to attend college and live in the dormitory.
- Director Underwood presented a summary of information from past committee meetings' minutes, as well as the legal memorandum.
  - In March 2019, the topic was discussed by the Executive Committee who referred it to the Rules Committee.
  - In April 2019, the Rules Committee agreed that the mandatory acceptance clause does not apply to individuals who have reached the age of majority and that an amendment to Rule 4-104 was not warranted. However, the Rules Committee also agreed that further discussion might be appropriate.
  - In January 2020, the Ad Hoc Committee on Adult Issues reached a consensus that the current rules are clear that a state has the option to reject such a transfer and that the mandatory acceptance requirements do not apply.
- A. Connor (ID) noted the importance of the topic is reflected by the numerous discussions. She indicated she will raise it for discussion at a future Idaho State Council meeting.
- Representative Farmer noted part of the issue is whether the youth is going alone or with family.
- S. Foxworth (CO) added that sometimes juvenile commits a sex offense, but has passed the age of majority prior to adjudication or transfer. Such a person remains on juvenile probation. Colorado's policy prioritizes use of funds for those who are minors. This, probation offices are often expected to fund services for juvenile probationers over the age of 18.
- C. Gordon (MT) commented that she supports accepting based on the age of majority in the sending state.
- G. Olivares (NV) noted that juveniles are often with family members, thus denial is uncommon.
- A. Connor (ID) commented that denial of a juvenile sex offender (JSO) is often linked to their status as a JSO. S. Foxworth (CO) noted the ICJ Rules prohibit denials based on offense. Colorado encourages a JSO to reside in an apartment rather than a dorm.

- Representative Farmer and Director Underwood agreed to provide a synopsis of the discussion to A. Connor to assist with the Idaho State Council discussion.

### **Rule 6-102 (1)**

- The West Region continued their discussion from the last meeting with regards to the language in Rule 6-102(1) “... *who determines when a juvenile is a danger to themselves or others*”.
- M. Clifton (WY) commented this phrase is commonly used by mental health professionals when assessing whether a person is at risk for committing suicide or homicide.
- Director Underwood updated the Rules Committee previously discussed the issue, and determined an ICJ specific definition was not necessary. The phrase was developed through legal cases as a standard for when a person should be placed in a secure facility. According to at least one published case, the phrase in the ICJ Rules should be applied the same way. However, some state ICJ offices are not familiar with the legal interpretation and apply it more broadly.
- Representative Farmer commented that if a mental health professional determines a person is a danger to himself or others in CA, the juvenile would be placed in a locked facility and ICJ would not be involved until the danger passed.

### **Rule Proposals March 31 Deadline**

Representative Farmer noted the deadline for proposed rule amendments is March 31. He stated that he would call a meeting in prior to the deadline, if anyone submits a proposal for the West Region’s consideration.

### **State Updates/Concerns**

- Regarding UNITY, A. Connor (ID) updated the User Acceptance Testing (UAT) Team has been busy with the UNITY testing and hoped the West had an opportunity to attend the UNITY transition planning sessions in January.
- D. Laity (NV) updated the Nevada Legislative session has begun. He anticipates there will be budget impacts, but is not of aware of any specific impacts regarding ICJ.
- D. Dodd (NM) updated that all state employees have been mandated not to go to state offices due to threats and rioting. However, they anticipate the ban will be lifted Thursday.
- R. Gallardo (UT) updated that the Utah Legislature will begin soon. One issued anticipated for consideration is the emerging adult issue to raise the criminal age of responsibility passed the age of 18; therefore, the person would be seen in juvenile court rather than adult court.
- M. Clifton (WY) updated that the Wyoming Legislative session will begin soon. They too anticipate proposed budget reductions will be considered.
- H. Wykes (AZ) reported Arizona has been named the COVID hot spot of the world.
- M. Farmer (CA) updated that the age of jurisdiction for juvenile courts has been discussed recently, which would limit the number of individuals tried in adult courts. Effective June 30, the CA Division of Juveniles Justice (DJJ) will no longer accept youth from county facilities into state level corrections. The budget proposal for 2021-2022 announced the CA DJJ will close in 2023, which brings uncertainty as to where the administration of ICJ will be housed.
- S. Foxworth (CO) updated while COVID restrictions continue, it is anticipated that airport supervision will be restored in February.

## **Roundtable**

Representative Farmer encouraged members to contact him and/or the national office with issues they would like to discuss with the region, so that they might be added under this agenda item.

## **Committee Updates**

Representative Farmer advised members that future West Region Agendas will include a section for members to provide update on actions by the committees on which they serve, when applicable.

## **OLD BUSINESS**

### **UNITY**

Director Underwood provided the following updates on the UNITY project:

#### *Testing*

- UNITY is in testing phase by the UAT Team, in order to identify coding errors that will be corrected prior to go-live. The UAT Team is also drafting pop-out “tooltips” that explain the data being request in a field. After go-live, users may suggest enhancements to the system in accordance with a recently-adopted policy, which is now posted on the Commission’s website.

#### *Training*

- To date, over 4,100 new learners are enrolled in TalentLMS and over 10,000 courses have been completed. New courses are underdevelopment and will continue to be introduced prior to go-live.
- Some states also plan to provide live in-state training. The power point presentations and recordings from the January transition planning sessions are available on the Commission’s website, and members are welcome to use them.

#### *Pre-Go Live Preparation*

- Recently, J. Adkins provided a JIDS clean-up process training to assist states as they continue to work through their current cases in preparation for the transition.
- The Commission’s website also provides a link to a video tutorial about merging documents using standard Adobe software.

#### *JIDS transition to UNITY*

- JIDS will be closed on a Wednesday and the migration process will begin. The migration involved one down week. States should plan to keep any case activity during that week without using the national data management system.
- Once UNITY goes live, all ICJOs will need to check all migrated cases to affirm migrated data is correct. States with a large caseload may need additional administrative support to review all case.
- A. Connor (ID) questioned what happens to the timeline for the legacy case load. Transfers active at cut off will migrate over. However, will the timelines require a manual entry. Director Underwood agreed she would confirm how the timelines will transition.

### *State IT Letter*

- The letter to state Information Technology Departments was updated for clarity for some states that had additional questions after the original release. It is posted on the website for those states that need it.

### *Review of ICJ Resources*

- There has been a comprehensive review of resources referencing JIDS. Be aware that the ICJ Rules, Bench Book, and ICJ Forms are being update. These will be released at the onset of UNITY. Resources focused primarily on JIDS will be archived and others will be referred to committees for updates.

### *Go Live Date*

- The Executive Committee agreed to revisit the go-live date based on feedback from states, and they will make a decision at their January meeting.

### **New Business**

There was no new business.

### **Adjourn**

**A. Connor (ID) made a motion to adjourn. H. Wykes (AZ) seconded. Representative Farmer adjourned the meeting by acclamation at 4:02 p.m. ET.**